IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6381 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE AKSHAY H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SUNIL BHIKHABHAI GARASIA

Versus

ABAD DAIRY

Appearance:

1. Special Civil Application No. 6381 of 1991

MR KS ACHARYA for Petitioner No. 1

MR DEEPAK V PATEL for Respondent No. 1

CORAM : MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 03/05/2002

ORAL JUDGEMENT

1. The petitioner has approached this Court with a request to issue appropriate writ, order or direction on the respondents to give him the benefit of scale of Rs.1649-2900 as per the award in Reference No. 448/77

from the date on which it was to be implemented i.e. 1st January, 1976.

2. According to the petitioner, at the relevant time the he was working as Section Officer (Civil) with the respondent in the grade of Rs.425-700, which came to be revised with effect from 13th November, 1980 as Rs.1400-2300. According to him Shri I.G. Thakore gave an award regarding revision of pay-scales of municipal employees which came to be implemented from 1st January, 1976. At that time respondent was part and parcel of Ahmedabad Municipal Corporation. The respondent came to be separated from the Ahmedabad Municipal Corporation as it was taken over by the Gujarat Dairy Development Board with effect from 20th December, 1979. At the time of transfer of the respondent it was determined that the employees of the Corporation working in respondent before bifurcation would be retained in service and all the rules, regulations and pay-scales of the Ahmedabad Municipal Corporation employees would be applicable to them. Petitioner's say is that as per the scales given to the employees of the Ahmedabad Municipal Corporation he would be entitled to get the grade of Rs.550-900 from 1984, as he was eligible to have that grade. His case further is that on 1st December, 1987 he was given promotion and placed in the grade of Rs.1640-2900. However, petitioner's grievance is that the said scale ought to have been made available to him since 1976 or atleast from 1984 as he had completed five years of continuous service then.

3. Having heard Mr. K.S. Acharya, learned advocate for the petitioner and Mr. Deepak V. Patel, learned advocate for the respondent, it appears that the period for application of scale of Rs.1640-2900 is not much and it is about 2 years and little more. There is no dispute between the parties on that count. Calculating the difference of salary on account of petitioner not getting the scale of Rs.1640-2900, it comes to Rs.5,540/- for period between 1984 and 1987. Considering the smallness of the amount, without going into the merits of the case and without dealing with the contentions raised by both the sides, the respondent is hereby directed to pay the said amount to the petitioner on or before 20th May, 2002. The petition is, therefore, partly allowed. Rule made absolute to that extent with no order as to costs.

[AKSHAY H. MEHTA, J.]

* Pansala.